



TikTok AMA: IGP answers your questions about the TikTok ban

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TikTok

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Milton Mueller

All right. Welcome, everybody to the IGP webinar on the Tiktok law, in general discussion of the nature of this law.

My name is Professor Milton Mueller and I am at the Georgia Institute of Technology. And let me say a few words to introduce the Internet Governance Project. We are a university based think tank focused on the digital political economy. We cover a host of issues related to the Internet, its governance, as well as the governance of broader digital ecosystem that includes the apps and the trade and Information Services and so on.

Let me explain why we're doing this webinar. We were very tired of the propagandistic and manipulative discourse around the issue of the Tiktok law. And we wanted to see a more informed given take this ban. This proposed ban is no joke. It's really the spearhead of an attempt to decouple the American and Chinese digital economies. It's been going on and building momentum since 2018. It's going to affect or it already is affecting everything from undersea cables to software, to electric vehicles, to the trade and data. It also has enormous implications for

freedom of expression worldwide. It's really a part of a trend that is the opposite of a free open and global Internet.

We have tried very hard all along to involve legislators in this and in other forums to actually tell us more about why they're trying to do this. And we continually receive radio silence, particularly not happy about the way the US Justice Department, which is really the spirit of this in the United States government has simply not responded to any attempt to ask them questions about what they think the threat is why they're doing this.

So the focus today is on answering questions, real questions, ask us anything, but ask don't launch into speeches or rants. And we'd asked you to follow three simple rules number one, be civil. Number two, no filibustering or ranting three nonanonymous questions we would really like to know who you are, why you're asking the question helps us to interpret it. So you'll see if you're on Zoom, you'll see at the bottom of your space, a q&a session or and you can type your questions into there and we will be keeping track of those. We also have a open chat so you can communicate among yourselves if you want to, although we will not be able to keep track of questions that come in through the chat.

So let me introduce my fellow panelists today. First of all, my colleague at IGP Jyoti Panday, who is in India, and she's here because she's from a country that has actually banned Tik Tok, and she can give us a little bit of insight into what that means. And I also have David Lieber, who is the head of privacy public policy for the Americas at TikTok so we think he would be in a very strong position to provide authoritative answers to questions about what Tiktok does, how it's doing things and what kinds of threats or connections to China it may or may not have.

Welcome everybody. Let's start I see we already have two questions here. We have one from Alexander. He says, Are there any chances that other foreign software services will be forced to be sold? Like Kaspersky, for example? And we'll answer that briefly. And then David, who has a more detailed take on the law would be able to add things to that.

I think the answer is there's a very good chance, because the the law, as it's currently structured, does allow the executive branch of the government to declare any of the services that are run, who is a foreign adversary and which which of the services are controlled by a foreign adversary. So I think it gives the executive branch a lot of discretion over what apps were what services or what software's and what foreign countries or what level of foreign ownership is involved with a foreign adversary. David, is there anything I missed there?

David Lieber

I don't think so. Not in relation to that question.

Milton Mueller

Okay. We have a second one. Why is TikTok arguing the House bill is a ban when they clearly said they want to switch to US ownership. And we have gone over this in our blog post quite detailed, but I'll take off a few points and then again allow David to do amend on that. So, first of all, if they really wanted simply a switch in ownership, they would have not given this incredibly tight six month deadline. Secondly, we have all kinds of indications that Chinese government considers the AI behind ByteDance's TikTok app to be intellectual property that cannot be transferred without their permission. So I think you have a few more reasons why we might consider this a ban. David.

David Lieber

Thank you. Thank you, Milton. Thank you. I just want to say thank you to the Internet Governance Project for having me really appreciate the opportunity to engage in this discussion, and yet we do believe that this bill is effectively a ban. The sponsors of the bill representatives Gallagher and Krishnamoorthi have previously championed bills to ban TikTok and they've been quite clear in the past that their ultimate goal is to ban Tiktok in a press release accompanying the release of this bill. There were other co-sponsors who were quoted who understand this bill to be one that bans TikTok in the United States.

But looking at the bill itself, section two of the bill makes it unlawful at a high level to distribute or maintain TikTok in the United States. And a ban can only be avoided if there's a qualified divestiture that's effectuated within 180 days. As Milton alluded to, the the bill confers upon the President unilateral authority to determine whether a divestiture is qualified. And, from our perspective, there's just no historical precedent for forcing a divestiture of this nature within 180 days. But I want to be clear, well, that's what the bill says. We think [the bill] is fundamentally flawed at its core. It raises the specter of banning a platform that's used by over 170 million Americans. And in so doing, we think violates core First Amendment principles.

Milton Mueller

So I think also, it is worth noting and emphasizing that all of the people who are now saying this is not a ban, are people who wanted to ban it a few months ago. And so we think that the this is not a ban rhetoric is really an attempt to provide cover for a First Amendment based legal challenge or other forms of legal challenges.

Let me ask the question of Jyoti. You know, India did ban TikTok, can you tell us what was the effect of that, or what was maybe a bit about what was the reason?

Jyoti Panday

So, yeah, India in 2020, June 2020, following you know, there was skirmishes at the border between India and China. And in response to this kind of tech warfare, one of the measures that the Indian government took was to ban several Chinese apps, one of which was also TikTok, and at the time of the ban TikTok had 200 million users in India, which exceeds the current number in the US. It was wildly popular, especially amongst largely marginalized working class semi urban, slash, you know, rural users in India. So, it was giving a voice to voice you know, people who would not have had an opportunity to build audiences or to connect with the larger entertainment industry. And the ban happened it was delisted from the app stores, and a lot of the the content creators were in many ways stranded. And, at the time, the ban was not well received within the community, both the tech expert but also the content creator industry.

Lots of people came out talking against the ban, but there were no formal protest, because it was linked to this whole idea of national sovereignty, and security, and the border tensions were quite strong and there's a whole sentiment of respect towards the military in India had lost soldiers in the warfare. So, given that context, you know, the kind of opposition to the ban was not really as well voiced or well organized.

But, over time, and one of the other aspects by when India was going through the ban was that this would fuel the Indian content creator economy, and new platforms that were Indian would be created as an effect of the ban. And it's been now four years since the ban. A lot of apps or platforms did emerge, to kind of fill in the void that was created by TikTok suddenly not being available in India, thirteen to be precise, out of which only five survive today. The two that actually capture most of the market is Instagram reels, and YouTube shorts The other three Indian apps are Josh, Rose and Glance, and they are more... so, with the kind of diversity that TikTok had been able to provide for the Indian consumer base, that has not continued, because a lot of these are very fragmented audiences, where the class and urban / semi-urban divide has kind of ended up in defining who is using these platforms, both in terms of impacting the digital economy and competition, and you know, providing diversity and voices. The ban has had a pretty significant impact. And, yeah, we're living through it. Happy to add more as we go on.

Milton Mueller

Thanks, Jyoti. It really did strike a blow against sort of competition. reinforce the power of the dominant American global platforms, and quite do a such a hot job of being local alternatives. We

have a question from Noah Mott. Who is a student of digital communications, asking what what could TikTok do better to counter the misinformation regarding this topic?

And that's the very interesting problem for TikTok because their attempts to mobilize their user base to lobby Congress kind of backfired, because Congress perceived it as exactly what they're afraid of which is that, you know, that it could be used to influence politics in the US. And I see tons of television advertisements from TikTok presenting a very warm and fuzzy look. You know, it's very motherhood and apple pie. I think there simply is not support among TikTok users for banning it, I think there is almost unanimous opposition. In fact, it's not people who use tick tock who believe that it's harmful or bad. It's generally people who are ignorant of it. Did you want to add anything About that, David?

David Lieber

You know, I think Jyoti alluded to this, that there is a unique value proposition TikTok provides, and it's reflected in the advertisements that maybe many folks who are on this webinar have seen, we have enabled 5 million small businesses to thrive in the United States. And it's not simply a matter of switching to another platform if TikTok is banned. Tiktok is unique in the proposition, the value proposition that it provides, both to our users and to our creators. We're participating in this dialogue today, because it provides a forum for a reasoned dialog, so I think that's something that we can do.

I think also to answer the question, we've been talking quite a bit about alternative solutions. The solution that's proposed by this bill is effectively a ban. It's a forced divestiture, or else, and we've been working assiduously over a period of several years to implement what we call Project Texas, and this is a voluntary and unprecedented effort around the privacy and national security concerns that the US government has articulated. And it's important also in the context of First Amendment analysis, because it demonstrates that there are alternatives, including mitigation options, to address the concerns that have been raised. The two chief concerns are really the potential for the Chinese government to access us user data, and then the potential for the Chinese government to influence the content that users see on the platform. Project Texas addresses both of those concerns in different ways. We can go into more detail if it's of interest to people. But, we've been fashioning these solutions, we've spent toward \$2 billion. We've established a special purpose subsidiary USDS to house and manage US user data to ensure that access is limited. And then we've worked with third party partners like Oracle to inspect our source code, and to ensure that our algorithm is surfacing content in the way that we publicly represent it. We've tried to position ourselves with third parties so that they can validate the representations that we're making, and people don't necessarily have to trust us. They can look at

the third parties that we're working with to validate the representations and assertions that we've been making.

Milton Mueller

I want to add something to that. So that, in fact, Project Texas, which we don't like, by the way, and David knows this, because essentially, it's a data localization agreement imposed by the US, which gives the US government all kinds of access to your data, but they are clearly bending over backwards to keep the data localized in the US. And the thing that really convinced me that this new law was a ban, was that all for it are actually answered by Project Texas. In other words, if you believe that the threat is that the data will be transferred to the Chinese government, and the Chinese government will use that to develop an algorithm that will manipulate the minds of Americans and turn us all into communists. If you believe that, Project Texas totally resolves those concerns? And I just don't see how you can say that it doesn't.

So the question is, why don't they accept that? Why do they not? I mean, nobody from Justice will answer that question. Nobody will even face that question. We do know that the Justice Department was the obstacle to an agreement with the Committee on Foreign Investment in the United States, to go ahead with with what we're calling Project Texas. So, to me, tells me that there's just people who want to get it out. They want to ban it. And it's not about the data, as it is about other things.

Let's go to the next question here. [name]. Thank you for joining. What are some alternative policy approaches the US can take to address concerns about China based companies being subjected to handing data to the Chinese state?

Okay, I think we just discussed one of them, which was a kind of a data localization agreement. But I think that there's a broader question here, and that is what is really motivating all of this decoupling, and as best as I can understand it, is that the US is very concerned about the Chinese Communist Party will accumulate data about America that they will then process using artificial intelligence and weaponized, and what I think is that this policy or this approach is just false. That is to say that the digital economy is going to always generate gigantic quantities of data about transactions and activities in the digital infrastructure. And so if you're operating under the assumption that we can like build borders around the digital economy, then in effect, you are accepting the Chinese model of the Internet because that's what they believe, that's what they're doing.

I think the threat is largely imaginary in the sense that, yes, we don't want them to have access to intelligence data, or other forms of sensitive data, and we can protect that. But public things like activity on social media, like IP addresses, telecommunications traffic, now is just out there. And there's a tremendous amount you can do with open source intelligence. And we should be focusing more on some kind of reciprocity and also on you know, and I'm sure we are doing is making use of the open source intelligence that it for our own purposes.

But let me see, Jyoti, do you have anything to add to this question?

Jyoti Panday

Yeah, I just want to quickly also point out, so, for example, in India, you know, the Indian government is pushing this whole idea of digital public infrastructure, where a key component is where citizens are deemed to have enough agency to be able to trade away their data for services, and the government is conceptualizing a data economy, right? And on the other hand, you have this whole threat based on a platform, accessing enough data about the citizens, where they will be able to manipulate and kind of change the destiny of this nation, and, you know, point them to a certain ideology. So, I don't understand how governments can kind of straddle both these worlds. Either the users have enough agency, and can make a decision in an informed way, and will not be swayed by platform terms of services and algorithmic efficiencies. Or we are just clay in the hands of these platforms, and in which case, we should probably shut down the digital economy and go back to using paper.

Milton Mueller

To move on to the question from Juan Villareal. Hello, Juan. What type of retaliation from China can be expected if a sale or ban of TikTok does take place? We've already seen some minor forms of retaliation in the semiconductor space, and we have seen various kinds of reciprocity in terms of these restrictions taking place in China. I think the question is how far it will go.

I think the Chinese, oddly, are not quite as militant about shutting out the US as the US is about shutting out China, at this moment. I could be wrong about that. But I think that the Chinese know that they are benefiting from a globalized economy, and they don't want trade relations to be shut down. They, of course, do invest very heavily in censoring foreign information sources, and they've done that starting in about 2010. But that's because they really are threatened, national security wise, in terms of their government, they really are threatened by having free and open communication. I don't think the US is.

So, the question is, to me, it looks like there will be various kinds of retaliation if we do force TikTok, but, you know, we're talking about so many other things, so many other ways in which we are interacting with China in the digital economy, that it's hard to predict what form it will take. For example, when our Commerce Department secretary says that electric vehicles are national security threats, if they're from China, again, because of this sort of AI conspiracy theory, that they're going to learn all about things that they can find out in other ways, and use that as a weapon, the assumption is that there's no rationale except political power. It's not like people want to make money from trading, right? They're just saying it's all about politics.

So, China would probably choose some kind of a target that hurts us the most and hurts them the least. I doubt if they would completely shut down Apple, for example, because Apple is a big employer, but they will, for example, maybe start discouraging the use of Apple phones by Chinese in China, and there's various kinds of other businesses that could be could be in line for targets.

I think it's not just China we have to worry about, and that takes me to a question from Nenne, and good to see you here, Nenne, clearly, if the US shuts down platforms or media outlets, then democratic and non-democratic governments will use this to say It's okay. It's okay for us to do this. So, you have a dynamic reinforcing territorial and governmental control over the digital media, and, if you do it, then everybody else is stimulated to do the same thing. It's kind of a self-perpetuating logic there. That's one reason why we're so concerned about this.

When the US started imposing certain kinds of restrictions on the Internet back in 2012 for intellectual property reasons we saw many non-democratic governments say, look, the US is censoring things. too, we need to do that. And the whole logic of digital sovereignty is definitely going to be picked up by governments, and if US platforms are globally extended, they're going to be on the front line of restrictions.

We have a question from [name]. And she says, Why, March? Why did this happen so quickly? I think David knows all the inside baseball. Maybe he can answer that question.

David Lieber

I'm not sure I have a ton of insight into to why it happened. In March. I mentioned initially that there have been efforts in the past to ban Tiktok by the same legislators who introduced this bill. There have been other efforts to more broadly regulate the marketplace for foreign applications and also to regulate the export of data to certain foreign countries, or countries of concern, I think, is the term of art used in the bill. Folks may have seen too, as well, that there are other efforts that

have been launched, some in conjunction with the bill that passed the House of Representatives, including one that will restrict data broker transactions to entities or or foreign countries of concern.

But most recently also the revitalization of baseline privacy legislation in the United States, and a previous questioner had posed the question of what alternative solutions exist? And we think about the universe of alternative solutions. Baseline Privacy legislation is the panacea for I think a lot of the concerns that have been raised, and can help to address the concerns in a much broader fashion than focusing on a single company, to the exclusion of other actors in in the Internet ecosystem. And so it's certainly directionally positive that we're seeing more discussions now about that baseline privacy legislation. We welcome those discussions. Even if folks may have misgivings about the substance. The conversation ought to be headed. I think that's where we can devise and fashion solutions to a lot of these problems.

I would have to agree with that, that if the concern, again, is giving data to the Chinese Communist Party. Clearly you can pass a law that would make that very, very illegal, and to disclose all of this behavioral data to unauthorized parties. And if it would actually be shown that they had done that, then yeah, then you can kick them out of the market, or penalize the heck out of them. I guess the only argument is, well, could we ever detect if that was happening? And yeah, I think you could. I think there are ways of detecting that and Project Texas is a somewhat extreme way of of detecting that. I think it could be detected, and the burden of proof is on people who say it's so undetectable, is such a risk, such a huge risk, that we have to just ban ban the app altogether.

Here's a question about the constitutionality of the law. I think there is a good chance that it will be stricken down as unconstitutional, but you you never know for sure. There are precedents for national security restrictions on ownership, but it really only applies to radio frequencies or broadcast stations, as far as I know, and there are precedents for a wholly foreign owned media outlets.

I think a lot of this depends on showing that the big motivation for the ban is the content on the app, and when the FBI or the Justice Department say, this is this is an influence operation, the anti-Israel people who sometimes post on TikTok, and I think they are strengthening the case that this really is a free speech targeted bill.

David Lieber

I can add just to that, too. I mean, obviously, this is a concern that we've raised, and there certainly have been instances in the past where First Amendment principles clashed with national security,

but the Supreme Court has been quite clear that those national security concerns need to be irreparable, immediate, and direct. We've never questioned the legitimacy of the concerns that have been raised, but they are theoretical, and so articulating theoretical, conjectural concerns to justify what would effectively amount to a ban on an app that's used by 170 million Americans we don't think would withstand scrutiny under traditional First Amendment principles.

I think it's also important to note too, I was mentioning before, the unique value proposition that TikTok provides. That's important from a First Amendment analysis perspective. The mere existence of alternative fora does not justify the infringement on on First Amendment interests in this case, vis-a-vis us, vis-a-vis our users, the creators that use the platform, and, again, the Supreme Court has recognized that there are unique methods of communication, whether that's, in the old days, pamphlets or yard signs, or more recently with sidewalk counseling at abortion clinics. Those are unique modes of communication that if taken away, sure, there are other ways to make that communication, you can stand on a soapbox anywhere in the United States and make a statement, but I think what the Supreme Court has recognized is that's very different from a individual citizen, availing themselves of the location that they choose, and doing so free of government interference. So these are really important principles. It may be a case of first impression given the facts here, but those principles are bedrock First Amendment principles. They're sacrosanct, and it's why we think that this bill is unconstitutional.

Milton Mueller

We have a live speaker that was asked a question. Moderator can you allow that to happen.

Noah Mott

Hi there. Thank you. So much for hosting this. Just for full transparency. I am a TikTok employee. I work for the US data security aspect of the company. I did have a quick question, and it actually goes to what you were just speaking about, David. I was curious from Jyoti's perspective, when it comes to the ban that was instituted by India, a lot of the questions sort of revolve around... like this is related to the Chinese propaganda piece, the CCP propaganda piece, and I was curious if you had seen in India, if that's been thwarted, simply by a banning of a specific social media app in TikTok, or if that's still something that you see on a regular basis through those apps that they were sort of forced to go on to. Thank you.

Jyoti Panday

So, if you're asking if propaganda does not exist in India any longer, that's not the case, it continues and flourishes, and there are very many streams that are funneling and actually distributing this propaganda, creating it, including state-backed or state-aligned agencies. To your

question, can banning one solve a broader issue? Like, for example, election integrity,? India is in a crucial election year, and maybe the approach could be more grounded in creating baseline standards for all platforms, irrespective of where they originate, to deal with new content or election pertinent content in a crucial year.

But, instead of going that way, these outright bans are actually creating the scope for the government to kind of expand into new realms of products and services. For example, the Indian government has been flirting with the idea of instituting an import policy for laptops and mobiles that are being imported into India. So, I think it's a tendency which needs to be curbed, because, if unrestrained, it kind of will spill over and take over the digital economy, which are pretty significant.

And, on propaganda, yes, I don't believe that the TikTok ban has had any impact on limiting propaganda in India.

Milton Mueller

Let me continue with this theme of censorship, and I'm going to do something that nobody ever seems to do in this debate, and that is to actually look at what is on TikTok.

So I'm now sharing my screen. Can everybody see it?

So yeah, this is this is my TikTok. So, I have been using TikTok for a little over a year. I actually enjoy this app because it's just got such diverse content on it. We're looking at my following feed now, this person likes science fiction stuff, And so now he is showing us something about the Three Body Problem which just came out on Netflix. There's Lex Friedman. He does a podcast, and he had some very interesting people talking about science and technology, artificial intelligence, on his podcast. Many of you probably know about him. He's got Mark Cuban here. I don't know who this person is, but she talks interestingly about AI, Rachel Woods. She's talking about prompt engineering here.

This is a kind of a fringy economist guy, who's telling us that the economy is going to collapse any day now. It never seems to do that, but he keeps saying it will. Lindbergh opinion. Basically, I'm not getting the Chinese propaganda here. This is a really interesting dance group. I'm not sure of the ethnicity but it's Russian, so maybe I'm getting Russian propaganda year, I don't know. And Zhao Yang Summers is a Chinese comedian, definitely not somebody that Chinese Communist Party would like. And, generally, the level of obscenity in some of her acts might make me want to move on here.

Here's somebody complaining about TikTok removing followers, not exactly sure what she's saying because I can't hear the sound. This is interesting guy, kind of a nerdy tech guy, telling you interesting things about what you can do with websites.

Okay, so now let's be a little more adventurous and go... I have no idea what I'm gonna get here... hopefully nothing embarrassing, but okay, this is a something from a golf movie. I don't know why, I do not particularly like golf. Here's some somebody telling you how to confront pro-Palestinian propagandists, the Zionist Infidel. I'm kind of not a Zionist, I'll tell you that, so I'm not sure why this is in my feed, but there it is.

This is somebody criticizing Brexit? You can tell TikTok has figured out that I'm very interested in political issues. There's other things going on here. This is USAID, to know the health effects of the Israeli attacks in Gaza. Toronto Police. TCriticizing the Toronto Police for a cowardly approach.

Right, so anyway, you get the picture here. I'm not seeing any Xi Jinping. I guess I could also search for forbidden topics in China. You want me to do that? I should have should have done that. Let me just try that again. Let's search for Tienmin Square 1989, see what we get. Here is a TikTok CEO answering that question in front of Congress. Here Tianmen Tank Man. This is totally forbidden in China. What do you think? Oh, this is sort of intimate pictures of you know the destruction that was done. So, let's just stop there.

So, the FBI is always talking about potential things that could happen, about what could happen, but certainly not about what what is happening, in terms of the censorship elements.

So, to answer Felician's question: We saw government influence with Twitter, could that extend to TikTok? One of the reasons that they're pushing for a ban is precisely because TikTok seems to be less susceptible to direct government influence, although their response to the CPS investigation, and the Project Texas, shows that they really are. But, in terms of content, the algorithm is, I think, still a bit more open than what you're gonna get from YouTube and Meta.

All right. This is an interesting question from [name]. Do we think the fate of TikTok can be used as an exemplar for other Chinese platform companies who want to operate in the US? Dave is not in a good position to answer that, but I will give it a shot, and see if he can supplement it in any way. So, I think this whole episode is that, in my view, China's tech entrepreneurs were not Communist Party agents, they were not Trojan horses, they were literally tech entrepreneurs, very similar to those in the United States, and, just like the ones in the United States, they wanted to

globalize their markets, they want to do bigger and reach new markets, and, instead of welcoming those people as being innovators, and be introducing competition and innovation into the US market, we're casting aspersions on them, as if the mere fact that they're coming out of China means that they are a weapon or some kind of a security threat.

It's true that content makes us more sensitive, but we did see, even before TikTok, we saw Huawei, the manufacturer driven out, we saw the CFIUS block acquisition of Alibaba to get into the payment systems market, in which... anyways, China has been ahead of us in digital payment systems. So again, they didn't recognize that Alibaba was was very, very much not a tool of the Chinese government, but again, it was just fear about data.

So what about these new platforms? What is it, Temu, and I can't remember the names of them, but there are these e-commerce platforms, and I think, again, they would be next in line if we succeed in knocking TikTok out of the US market, I think that kind of momentum would would them, next in line. Do they provide a model for success, and how you can enter a market and compete successfully? Yes. But, given the current political climate, they are going to be under a lot of pressure, increasing pressure, to not be too successful, otherwise they will start threatening people.

Looks like we have a question from Alexander.

Alexander Isavnin

Ah, hello. Hope you can hear me. Sorry, I will not be short I think, because I feel that I still missing some points of this legislation. I'm from Russian Federation, and we have very advanced content filtering, banning and censorship system, and it's been developed for like 13/14 years already, and it had a slow start. So, we're just blocking a bit of information with a bit of measures. It's not still completely banning something. They does not want Google to work and they kick them out. And it's still not effective.

And what I can't understand, why do US government's so sure that they will be successful in banning this content, because we remember the case, it's like on the third year for banning and censorship content in Russia, Telegram hadto be banned and blocked, and he made shame of Russian telecom regulator by avoiding this ban, and Telegram at that moment was like few million customers all around the world, and TikTok is much bigger. So, also legislation was developed through the years on what kind of information have to be banned, so like non-Russian propaganda, have 10 years of development, like fake news for violating Russian rights, so that's... and I don't understand that USA, okay, now we can ban you because you're a threat to national

security. I am feeling that I'm missing some important points of this. How do they plan to enforce this, and how it's based on the legislation of United States? Thank you.

Milton Mueller

David, That's all yours.

David Lieber

Yeah. I mean, it's a good question. The bill sets forth the enforcement structure whereby the responsibility for enforcement primarily lies with App marketplaces, the app stores I think that we think of, with Google Play and the Apple App Store. It also puts enforcement responsibility on [inaudible], so it does raise the specter of site blocking, so I think Milton was showing us his 'For You; feed and his 'Following' feed on tiktok.com, so that's where the enforcement responsibility lies. I think Alexander was alluding to some of the potential holes in the ability to enforce. People certainly can avail themselves of VPNs, they can cloak their IP addresses so they appear to be accessing the Internet from different countries.

You mentioned substantively the ability to censor certain types of content are prevented from surfacing on platforms. Simply because that that content isn't available on TikTok certainly doesn't mean that it's not available on other platforms, and won't gravitate to other platforms. That certainly is the likely result. We don't see, in terms of the problems that it is confronting, but we are unique, and the fact that we've deployed solutions that others in our industry haven't, and so we are determined and laser-focused on continuing to implement those solutions to address these concerns, and hopefully obviate the need to move this legislation any further.

Milton Mueller

I would direct us now to Anupam Chandar's question, because it's related to this, so does it mean that Americans would no longer receive Canadian content via Tik Tok unless it's copied over? I mean, how would the sold American Tiktok interoperate with the rest of the world?

David Lieber

It's a great question. I think it's one that is overlooked by the sponsors of the bill. I mean, the US government has the ability, in theory, to force the divestiture assets of TikTok from ByteDance, but this is a global platform. There are other TikTok entities that exist in other parts of the world. It is a global platform. Many of our features rely on interoperability. For example, if I choose to have my videos only made available to my followers, that metadata has to be communicated to other parts of the world. If there are different owners and different policies and rules in terms of service for a

successor TikTok US app and the rest of the world, then there'd certainly be complications in effectuating that type of interoperability.

It's another reason I think why, when we think about the prospect of divestiture, and the notion that it's just going to be a simple exercise, it won't be. This is a global platform. It's unclear whether there would be any buyer that would emerge for just the assets of TikTok. So, it's a great question, because I don't know that there's been a wholesale examination of some of the technical and operational challenges associated with trying to compel a divestiture of this nature.

Milton Mueller

So, how was it handled in India? Jyoti for example, if you come to the US, you download TikTok, you go into India, what happens?

Jyoti Panday

Oh, you know, my friends from around the world share these funny videos from TikTok. Invariably, I'm like I can't access, and then I'm reminded to use a VPN. Then VPN services have also broken down in India because of the state kind of going after them, and restricting the scope that they have to operate in India. So, it's a downward spiral, and, yeah, it's bleak, the outcome of a ban.

Milton Mueller

No surprise, you don't have any enemies on this call, David, I maybe have to assume the role myself. So, what about all this evil stuff TikTok did, like he said you weren't sending any data to China, and then it turned out you were. what was going on with that?

David Lieber

Well, so, you know, I'm glad you asked the question. The Committee on Foreign Investment, the United States launched an inquiry, I think in 2019, into our parent company's acquisition of a company called Musical.ly which is now TikTok. One of the central concerns that have been raised is around data access, and, in particular, the ability of the Chinese government to access US user data, and then, further down, the ability of the Chinese government to access US user data by virtue of the fact that there may be Chinese employees that had access to that US user data, so everything we've been doing in relation to access to that data. This is a challenge that we acknowledged in 2020. We've acknowledged in public blog posts, in legal finance filings, and we've been working diligently to address since that point. It's a significant undertaking, but we've made significant steps at the same time. Protected US user data is stored by default, now, in Oracle's cloud infrastructure. We have begun the process of deleting historical legacy data from our servers in Virginia and Singapore. We're taking a number of different steps to ensure that

protected US user data stays within the Oracle Cloud infrastructure, and is managed and overseen by USGS, and I would just again emphasize that these are historical and unprecedented steps that we're taking, and unique among our competitors. It's not that these problems are unique to us, the solutions that we've devised are unique, and been devised to get this right, and we continue to be responsive to legitimate concerns that are raised and we'll continue to do that.

Milton Mueller

What about the FBI has charged that you're spying on journalists? And that was something that was mentioned in the classified briefing and everybody says, you know, is proof that TikTok is a threat to our national security because TikTok, which is equated with the Chinese Communist Party, is spying on journalists.

David Lieber

So I think this is in relation to something to happen. In 2022, where there was a misguided effort to trace the leak of confidential information from employees, and as a result, data was improperly accessed. I think we've acknowledged that mistake on a number of occasions. I think members of Congress have asked us to acknowledge it. We certainly discussed via testimony before Congress twice now, and in response to questions for the record. That in my view is a separate and distinct issue from some of the national security concerns that had been raised. But we've acknowledged that we've acknowledged the mistake. It shouldn't have happened,

Milton Mueller

But the point was the reporter was recording internal meetings of Tiktok employees, right? They were running around with a phone or something and recording stuff.

David Lieber

Yeah, based on the reporting, I think that the author maintains that there are these recordings that exist of internal meetings, and to the extent they do exist, they were certainly leaked in an unauthorized fashion by employees, and so this is part of why we have a team, as do other technology companies, to address the threat of insider risk.

Milton Mueller

It wasn't the state doing that, it was corporate.

David Lieber

I think, yeah, I think that's correct. This was just employees who improperly accessed Tiktok user data in an effort to understand the genesis of the leak.

Milton Mueller

Okay, so we have a few more questions.

Wendell Wilson: are there already civil rights groups that have raised the issue and do not support the ban? Yes, there are. The American Civil Liberties Union has opposed to ban and the Electronic Frontier Foundation has also opposed to ban.

Fei Pung: What's the action path for the US to the ban? The answer is this law.

What are the characteristics of the digital game between China and US reflected? That's the big one, right. So, as I said in the introduction, the whole premise of this controversy is really very fundamentally, around 2016, maybe a bit earlier, there were elements in the US government that decided that this integration of the Chinese and American economies that started to happen with the WTO agreements and trade agreements, beginning in 2000, somebody decided that either that we were losing this from an economic standpoint, or, more seriously, that China's market economy was so successful that they were becoming too powerful, and threatening the sort of world dominance position of the United States. And, of course, it doesn't help China is in fact a dictatorship with extremely restricted access, mainly restricted media outlets, so that their people cannot vote out their government, and we saw that when the parts of China are trying to assert certain kinds of democratic rights.

So, the broader game is, indeed, as I said, I think that there is this false assumption that that in a globalized digital economy that the US can somehow keep globalized companies from having any valuable data about Americans, and can stop China from weaponizing that, even though there's not a lot of evidence that they are weaponizing it, that we can stop them from weaponizing it by both blocking them from our economy, and by restricting their access to advanced technologies, in order to slow down their development economically.

And this is a reversal. The whole world post World War Two US policy was that trade meant interdependencies that support peace, and we're now saying, no, we don't want the interdependencies of trade. We think that that is going to create vulnerabilities in the digital economy. We should be having a debate about that, that benefit that broader issue, but we're not. We're getting scare tactics about the Communist Party in your bedroom, spying on you, and how TikTok, this private company that's in the US to escape China, is is a tool of China. It's a pretty irrational dialogue ,and what we've been trying to do today is bring some rationality to that debate.

You want to add anything to that? China and India are in a bit of a game themselves, aren't they?

Jyoti Panday

Yeah, but I think all of the geopolitical aspects, it's these diversity issues and the impact on free speech that gets kind of negated in the background. And, for me, personally, like having lived through when TikTok was just starting out, and then it became this hugely popular platform where working class people, so babas, shopkeepers, people who would be really shy, started kind of engaging and creating content, and just from the perspective of that they could earn income, or this could be a side gig for them. Apart from those economic aspects, the kind of confidence and the kind of visibility that the platform brought to these know otherwise not noticed or marginalized creators before TikTok, frankly. So, I think that that's equally important, and just coloring everything with the national Security lens is bound to kind of enable these strands of diversities to slip away.

Milton Mueller

All right. I think we have one other rather complicated question here, from Juan Villareal. Hypothetical risk is that even though no malicious activity is apparent, Chinese laws allow government intervention at a moment's notice to impact privacy or insert malicious malware. The companies and services cannot refuse to comply. Any thoughts on this alleged concern?

Milton Mueller

So, yeah, I think that overstates the degree of control that the Chinese government has over these foreign subsidiaries. From a purely rational security calculus for China, whatever they can gain by, let's say, suddenly telling TikTok to turn into malware -- again, technically, a lot needs to be said about how that could happen, but -- whatever they would gain from that would be probably overcome very quickly by the backlash, and I don't think it could occur at a moment's notice. For example, if you're going to suddenly grab all of this data, and do some kind of processing of it that tells you how to manipulate everybody, and then you've got to somehow modify the algorithm in these ways, that's not going to happen at a moment's notice. And again, since [inaudible] are in this market merely to make money, and they're going to be directly harmed, and their position in the US economy is going to be destroyed by those kinds of exploitations.

Okay, I think we have covered this issue pretty well. I think there's one more question here from [name] about competitors. I don't know whether David should do that or me, but it's well known that that Meta was actively pushing the idea that Tiktok was a threat. Were there any others that were going after you, David?

David Lieber

I am not aware. I don't know. We're obviously focused on just addressing the concerns and challenges that have been raised that we think are solvable, so I'm less focusing on such concerns than on what we're doing to address these concerns and meet the moment.

Jyoti Panday

In India, we did have alternative apps that jumped up in competition, and to kind of plug in the gap created by TikTok's exit. But YouTube and Instagram results were the biggest beneficiaries. And 20% of the traffic on Instagram comes from reels, I believe, globally. However, again, it's a diversity issue, and I'm kind of harping on it, because the kind of voices that are prevalent on Instagram, are very elite, you know, upwardly mobile, whereas YouTube shorts hasn't been able to find the niche audience, and is kind of still struggling to create a must see audience base in India. So, I think it unlikely that strong competitors of the same nature and stature will replace what you are banning. There might be alternatives, but it's not going to be the same exact replica of what you have.

Milton Mueller

Seems like Jyoti is having some connectivity issues. But, I think she did answer the question about VPN, already showing that if you want to ban apps, you're going to end up banning or restricting VPNs, in a way that restricts access to those apps. Well, that's it. I think we really appreciate your all attending and your great questions. We have recorded this, so, if you know people that would like to know more about this issue, we will publicize the link to the recording very soon. Any parting remarks from you, David?

David Lieber

Just thanks for offering a forum to have this discussion. I think we need to have more reasoned dialogues, where we can have these exchanges of views and understand I think different perspectives. So, thanks for the opportunity.

Milton Mueller

Well, we're the Internet Governance Project. Look at us at [Internet governance.org](https://www.internetgovernance.org). Bye